

Bill No. 2-01  
Concerning: Weapons – Gun Shows  
Revised: May 16, 2001 Draft No. 9  
Introduced: January 23, 2001  
Enacted: May 16, 2001  
Executive: May 29, 2001  
Effective: August 28, 2001  
Sunset Date: See Sec. 2  
Ch. 11, Laws of Mont. Co. 2001

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President Ewing and Councilmember Silverman.

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**AN ACT** to:

- (1) generally prohibit the sale, transfer, possession, or transportation of certain weapons at or within 100 yards of certain exhibition facilities;
- (2) prohibit County funding for any organization that allows the sale, transfer, possession, or transportation of certain firearms at certain exhibition facilities;
- (3) make technical and stylistic changes to County law regarding weapons; and
- (4) generally amend County law regarding weapons at or near certain exhibition facilities.

By amending and adding to  
Montgomery County Code  
Chapter 57, Weapons

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Section 1. Chapter 57 of the County Code is amended as follows:**

**57-1. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

\* \* \*

*Gun show*: Any organized gathering where a **gun** is displayed for sale.

\* \* \*

*Place of public assembly*: A “place of public assembly” is a government-owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; [or] government-owned or -operated recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A **place of public assembly** includes all property associated with the place, such as a parking lot or grounds of a building.

\* \* \*

**[57-2A.]**

**57-3. Change in urban area boundary.**

\* \* \*

**[57-3.]**

**57-4. Discharge of guns in the urban area.**

A person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a gun within the urban area. Except as provided in Sections [57-5] 57-7 and [57-7A] 57-11, a person may discharge a gun:

\* \* \*

**[57-4.]**

**57-5. Discharge of guns outside the urban area.**

\* \* \*

(b) Except as provided in Sections [57-5] 57-7 and [57-7A] 57-11, a person may discharge a gun:

\* \* \*

**[57-4A.]**

**57-6. Discharge of bows.**

\* \* \*

**[57-5.]**

**57-7. Access to guns by minors.**

\* \* \*

**[57-5A.]**

**57-8. Child [Safety Handgun Devices and Handguns] safety handgun devices and handguns.**

\* \* \*

**[57-6.]**

**57-9. Unlawful ownership or possession of firearms.**

\* \* \*

**[57-7.]**

**57-10. Keeping guns on person or in vehicles.**

\* \* \*

**[57-7A.]**

**57-11. Firearms in or near places of public assembly.**

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

- (2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;
- (3) apply to the possession of a firearm or ammunition in the person's own home;
- (4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;
- (5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or
- (6) apply to separate ammunition or an unloaded firearm:
  - (A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or
  - (B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a **gun show** at a **multipurpose exhibition facility** if:

- (1) the **facility's** intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or
- (2) no **person** who owns or operates the **facility** or promotes or sponsors the **gun show** received **financial or in-kind support** from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and
  - (A) no other public activity is allowed at the **place of public assembly** during the **gun show**; and
  - (B) if a **minor** may attend the **gun show**;

(i) the promoter or sponsor of the **gun show** provides to the Chief of Police, at least 30 days before the **show**:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the **show** and will attend the **show**; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the **gun show** before the **gun show** is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

[[c)]

(d)

\* \* \*

**57-12. Sale of fixed ammunition.**

\* \* \*

**57-13. Use of public funds.**

- (a) The County must not give **financial or in-kind support** to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. **Financial or in-kind support** means any thing of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.
- (b) An organization referred to in subsection (a) that receives direct financial ~~[[or in-kind]]~~ support from the County ~~[[after January 1, 2001,]]~~ must repay the support if the organization allows the display and sale of guns at the organization's facility ~~[[within 10 years]]~~ after receiving the County support. The repayment must include the actual, original value of the support, plus reasonable interest calculated by a method specified by the Director of Finance.

**[57-8.]****57-14. Exemptions from ~~[[provisions of chapter]]~~ Chapter.**

\* \* \*

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique ~~[[guns which are]]~~ gun that is incapable of use as a gun. Except as provided in Sections ~~[57-5]~~ 57-7 and ~~[57-7A]~~ 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.

\* \* \*

**[57-9.]****57-15. Penalty.**

Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a [class] Class A violation apply. Any violation of Section [57-5A] 57-8 is a Class A civil violation.

\* \* \*

**Sec. 2. Effective dates.**

(a) Section 57-13 of the County Code, as amended by Section 1 of this Act, applies to:

(1) support that an organization receives from the County after December 1, 2001; and

(2) the display of a gun for sale at the facility after December 1, 2001.

(b) Section 57-13 expires on December 1, 2011.

*Approved:*

/S/	5/21/01
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Blair G. Ewing, President, County Council	Date
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*Approved:*

/S/	5/29/01
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Douglas M. Duncan, County Executive	Date
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*This is a correct copy of Council action.*

/S/	5/30/01
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Mary A. Edgar, CMC, Clerk of the Council	Date
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